



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3105

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON NPCR, INC. d/b/a NEXTEL PARTNERS PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
STATE OF TENNESSEE
PLEADING CYCLE ESTABLISHED**

CC Docket No. 96-45

Release Date: October 7, 2003

Comment Date: 10 days from publication in the Federal Register

Reply Comment Date: 24 days from publication in the Federal Register

On June 12, 2003, NPCR, Inc. d/b/a Nextel Partners (Nextel Partners) filed with the Commission a petition under section 214(e)(6) of the Communications Act of 1934, as amended.¹ In particular, Nextel Partners seeks designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in non-rural wire centers currently served by BellSouth and portions of the rural study area served by United Inter MT-TN (United).²

Nextel Partners asserts that the Tennessee Regulatory Authority (TRA) does not regulate Commercial Mobile Radio Service and presents a letter from TRA acknowledging its lack of jurisdiction.³ Hence, according to Nextel Partners, the Commission has jurisdiction under section 214(e)(6) to consider and grant its petition.⁴ Nextel Partners also maintains that it

¹ 47 U.S.C. § 214(e)(6).

² See *NPCR, Inc. d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee*, filed June 12, 2003 (Nextel Partners Petition).

³ *Id.* at 4-5 and Attachment 2.

⁴ *Id.* at 2.

satisfies all the statutory and regulatory prerequisites for ETC designation,⁵ and that designating Nextel Partners as an ETC will serve the public interest.⁶

In accordance with section 54.207(c) of the Commission's rules, Nextel Partners requests that the Commission designate Nextel as an ETC in a service area defined along boundaries that differ from the incumbent rural local exchange carrier's study area boundaries.⁷ The service area requested by Nextel Partners for ETC designation partially covers United's study area.⁸ Nextel Partners requests a redefinition of United's rural service area so each wire center in United's study area is a separate service area.⁹ Nextel Partners intends to serve each proposed wire center in its entirety.¹⁰ Nextel Partners maintains that the proposed redefinition of service areas for ETC purposes is consistent with the factors to be considered when redefining a rural telephone company service area, as enumerated by the Federal-State Joint Board on Universal Service. (Joint Board).¹¹ The Wireline Competition Bureau seeks comment on the Nextel Partners Petition.

The petitioner must provide copies of its petition to the TRA. The Commission will also send a copy of this Public Notice to the TRA by overnight express mail to ensure that the TRA is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments as follows: comments are due **10 days after publication of the Public Notice in the Federal Register** and reply comments are due **24 days after publication of the Public Notice in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by

⁵ *Id.* at 2-6.

⁶ *Id.* at 6-9.

⁷ *Id.* at 9.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 9-10.

Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties filing electronic media should be advised that the Commission released a public notice on August 22, 2003 providing new guidance for mailing electronic media.¹² In brief, electronic media should NOT be sent through USPS because of the eradication process USPS mail must undergo to complete delivery. Hand or messenger delivered electronic media for the Commission's Secretary should be addressed for delivery to 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, and other messenger-delivered electronic media should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Karen Franklin, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

¹² *Reminder – Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, DA 03-2730 (rel. Aug. 22, 2003).